

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE DISTRICT OF SOUTH CAROLINA
SPARTANBURG DIVISION

UNITED STATES OF AMERICA,)	CIVIL ACTION NO.: 7:18-cv-02592-DCC
)	
Plaintiff,)	
)	
vs.)	
)	
\$40,000 IN UNITED STATES)	
CURRENCY,)	
Asset ID: 18-DEA-638260)	
)	
Defendant <i>in Rem</i>)	

ORDER OF FORFEITURE

This *in rem* forfeiture action was filed on September 24, 2018, concerning \$40,000 in United States currency (the “Defendant Currency”) seized on or about January 19, 2018, by the United States Drug Enforcement Administration (“DEA”).

The Government served the known potential claimants, Kendrick Lamont Harris and Sparkle Holmes, by providing them with actual notice, as set forth in the Notice of Judicial Forfeiture filed with the court on September 25, 2018 (Docket Entry 6). A Verified Claim was filed by Kendrick Lamont Harris (“Claimant”) on December 17, 2018 (Docket Entry 19). As set forth in the Declaration of Publication filed with the court on November 2, 2018 (Docket Entry 13), and in accordance with Supplemental Rule G(4), Fed.R.Civ.P., notice of this forfeiture action was published on an official internet government forfeiture site, “www.forfeiture.gov”, for at least 30 consecutive days, beginning on September 26, 2018, and ending on October 25, 2018. Any person claiming an interest in the Defendant Currency was required to file a claim within sixty days after

the first date of such publication (by November 25, 2018). All time limits for the filing of claims have now expired, with no requests for extensions of such time limits having been requested or granted.

The United States and Kendrick Lamont Harris have reached the following settlement. First, \$6,000.00 of the Defendant Currency is to be returned to Kendrick Lamont Harris by the United States issuing an electronic funds transfer payment in that amount to a trust account held in the name of Andrew Johnston Law Office, counsel for Claimant.¹ Second, the balance of the Defendant Currency, to wit, \$34,000.00, is to be found and held forfeited, condemned, quit-claimed and abandoned to the United States, and shall be disposed of by the United States pursuant to law as a forfeited asset.

The parties agree that each side shall bear its own costs.

NOW THEREFORE, the Court being fully advised, and based on the Stipulation for Compromise Settlement, which is incorporated herein by reference, it is

ORDERED, ADJUDGED, AND DECREED, that:

¹Federal law, codified at 31 U.S.C. § 3716 (the "Debt Collection Improvement Act of 1996"), requires the Department of the Treasury and other disbursing officials to offset Federal payments to collect delinquent tax and non-tax debts owed to the United States, and to individual states. If an offset is made to the payment to be made pursuant to this Order of the Court, Claimants will receive a notification from the Department of the Treasury at the last address provided by Claimants to the governmental agency or entity to whom the offset payment is made. The terms of the settlement specifically do not affect the tax obligations fines, penalties, or any other monetary obligations the Claimants owe to the United States or an individual state, and in fact, are intended to satisfy such a tax obligations. Therefore, the exact sum delivered to Counsel, on behalf of his clients, may well be a lesser sum, if the Treasury Offset Program reduces the amount in satisfaction of a debt obligation.

1. All persons and entities other than Kendrick Lamont Harris claiming any right, title or interest in or to the Defendant Currency are hereby held in default; and default judgment is entered against them.

2. Subject to reduction by any offset through the Treasury Offset Program, the United States Marshals Service shall return \$6,000.00 of the Defendant Currency by electronic fund transfer to a trust account held in the name of Andrew Johnston Law Office, counsel for Claimant.

3. Pursuant to 18 U.S.C. §§ 981(a)(1)(A), 981(a)(1)(C) and 21 U.S.C. § 881(a)(6), the balance of the Defendant Currency, to wit, \$34,000.00, is hereby forfeited, condemned, quit-claimed and abandoned to the United States of America.

4. Clear title in and to the aforesaid \$34,000.00 of the Defendant Currency is hereby vested in the United States of America, and no other right, title or interest exists therein. All other claims in or to said \$34,000.00 of the Defendant Currency are hereby forever foreclosed and barred.

5. The \$34,000.00 of the Defendant Currency forfeited herein shall be disposed of by the Government in accordance with law.

SO ORDERED this 19th day of March, 2019.

s/Donald C. Coggins, Jr.
DONALD C. COGGINS, JR.
UNITED STATES DISTRICT JUDGE

Spartanburg, South Carolina